

76-6-409.1 Devices for theft of services -- Seizure and destruction -- Civil actions for damages.

- (1) A person may not knowingly:
 - (a) make or possess any instrument, apparatus, equipment, or device for the use of, or for the purpose of, committing or attempting to commit theft under Section 76-6-409 or 76-6-409.3; or
 - (b) sell, offer to sell, advertise, give, transport, or otherwise transfer to another any information, instrument, apparatus, equipment, or device, or any information, plan, or instruction for obtaining, making, or assembling the same, with intent that it be used, or caused to be used, to commit or attempt to commit theft under Section 76-6-409 or 76-6-409.3.
- (2)
 - (a) Any information, instrument, apparatus, equipment, or device, or information, plan, or instruction referred to in Subsection (1) may be seized pursuant to a court order, lawful search and seizure, lawful arrest, or other lawful process.
 - (b) Upon the conviction of any person for a violation of any provision of this section, any information, instrument, apparatus, equipment, device, plan, or instruction shall be destroyed as contraband by the sheriff of the county in which the person was convicted.
- (3) A person who violates any provision of Subsection (1) or (2) is guilty of a class A misdemeanor.
- (4) Criminal prosecutions under this section do not affect any person's right of civil action for redress for damages suffered as a result of any violation of this section.

Amended by Chapter 38, 1987 General Session